

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

MARIO TORRES MELENDEZ

Petitioner

v.

UNITED STATES OF AMERICA

Respondent

CIVIL NO. 97-1840(CCC)
Re: Criminal No. 90-370(CCC)
Appeal No. 99-2222Section 2255RECEIVED & FILED
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U.S. DISTRICT COURT
SAN JUAN, P.R.**ORDER**

MOTION	RULING
Docket No. 13 Pro Se "Petitioner's Request for a Certificate of Appealability for Second and Successive 2255 Motion"	DENIED. Under the provisions of 28 U.S.C. § 2253, petitioner must be granted a certificate of appealability in order to proceed with the appeal. A certificate of appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). For the reasons set forth in the Report and Recommendation entered in this case (Docket No. 6) adopted by the Court on August 5, 1999 (Docket No. 8) and pursuant to which judgment was entered dismissing this petition (Docket No. 10), the Court finds that petitioner's request does not satisfy the required standard.
Docket No. 15 Petitioner's "Affidavit to Accompany Motion for Leave to Appeal in Forma Pauperis"	Having examined petitioner's financial affidavit, transferred to this Court for action by the Court of Appeals, and construing same as a motion to proceed in forma pauperis on appeal, the same is GRANTED.

DATE: February 10, 2000


 CARMEN CONSUELO CEREZO
 U.S. District Judge
CCA
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(16) no